

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

04 JUL 16 PM 4:09

U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PHILLIP KELLEY BOBO,)
DON EUGENE SIEGELMAN, and)
PAUL MICHAEL HAMRICK,)
)
Defendants.)

Case Number
CR 04-C-0200-W

ENTERED
JUL 16 2004

JUDICIAL NOTICE

Pursuant to his independent duty to disqualify himself in any proceeding in which his impartiality might reasonably be questioned, and in view of certain erroneous media reports concerning alleged "political ties" between himself and one of the Defendants, this Judge hereby NOTICES the following adjudicative facts.

1. Over a quarter century ago, when I was twice elected to the Alabama State Senate, the Democratic Party was the only viable political party for statewide office in the State of Alabama. Success in the Democratic primary for Alabama house and senate districts was tantamount to election. Like most of my colleagues in the Alabama State Senate, I never faced Republican opposition.

2. The late (Eleventh Circuit Judge) Robert S. Vance was the Chairman and Don

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Siegelman was the Executive Director of the Alabama Democratic Party at some point during my political career. I have never held office in the Alabama Democratic Party nor was I a member of its inner circle.

3. I never consulted with Don Siegelman or sought his advice, support, or financial contributions during my political years. He never offered or gave me any advice, support, or financial contributions during those years. He never enlisted my support or sponsorship of, or for, anything on his behalf or on behalf of anyone else. To the best of my recollection, I never had a substantive conversation with him while I was a Senator.

4. I have been a United States District Judge for the last twenty-four years. During the entirety of that period, I have not had political ties or connections to or with any individual.

5. My daughter, Addine Michelle Clemon, has never been a partner in any law firm. Upon her graduation from Columbia Law School in 1999, she accepted employment as an associate, *i.e.*, a salaried employee, with the Birmingham law firm of Maynard, Cooper & Gale, P.C. She remained an associate in that firm until April 2004.

6. When my aforesaid daughter made a \$100 contribution to Don Siegelman's gubernatorial race in 2002, she was neither my dependent nor a member of my household.


7. One of the first cases over which I presided as a federal judge involved Don Siegelman as the lead defendant. I ruled against him. *See Whig Party of Alabama v. Don Siegelman*, 500 F. Supp. 1159 (N.D. Ala. 1980). Since that time, I have presided over

numerous cases in which Don Siegelman was a party. *See, e.g., McKee v. James* (N.D. Ala. CV:97-C-2078-W); *Allen v. Siegelman* (N.D. Ala. CV:99-C-366-NE); *Africa v. Waggoner* (N.D. Ala. CV:98-C-1891-S); *Hawthorne v. Siegelman* (N.D. Ala. CV:00-C-100-S); *Forbes-Bey v. Siegelman* (N.D. Ala. CV:01-C-579-S); *Patton v. Siegelman*, (N.D. Ala. CV:01-C-960-S).

8. No one, in any of the cases over which I have presided and in which Don Siegelman was either a party or counsel, has ever raised the recusal issue with respect to any alleged political ties between Don Siegelman and me.

The Court will set down for hearing any objection by any party to the propriety of this Judicial Notice and/or to the tenor of the matters noticed. Such objection shall be filed not later than Friday, July 23, 2004, at 4:30 p.m. *See* Federal Rule of Evidence 201.

Done this 16th day of July, 2004.



Chief United States District Judge
U.W. Clemon